IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 25298 of 2004

Between:

Smt. V.A. Radha, E-359040, W/o. V.R.V. Prasad,
Hakimpet Depot, R/o. Vijayawada, Krishna District.

..... PETITIONER

AND

1. The APSRTC, Rep. by its Divisional Manager,
   Secunderabad Division, Rathifile Bus Station, Secunderabad.
2. The APSRTC, Rep. by its Depot Manager,
   Hakimpet Depot, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, or any other appropriate Writ, order or direction, more particularly one in the nature of *Writ of Mandamus* declaring the action of the respondents herein in imposing the punishment of removal from service on the allegation of suspected misappropriation of Rs. 2/- without considering the depositions made by the Co-passengers vide Proc.No.02/62(15)j/2004-HPT, Dt. 30-6-2004 and not considering the appeal filed by the petitioner Dt. 12-7-2004 as illegal, unjust and arbitrary, contrary to all canons of law and as such liable to be set aside by directing the respondents to Reinstate the petitioner forthwith by paying the arrears of wages for the period out of employment.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the admission stage made the following:

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ORDER:

Challenging the action of the respondents in imposing the punishment of removal from service on the allegation of suspected misappropriation of Rs.2.00 without considering the depositions made by the Co-passengers vide Proceedings No.02/62/(15)/2004-HPT, Dated 30.06.2004, and not considering the appeal filed by the petitioner dated 12.07.2004, the present writ petition is filed.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. Admittedly, against the impugned proceedings, the petitioner has already been preferred an appeal before the Divisional Manager, Secunderabad Division, which is still pending. Therefore, the petitioner cannot be permitted to prosecute under two parallel proceedings in respect of the same cause of action. Since the appeal is pending before the Divisional Manager, Secunderabad Division, I deem it appropriate to dispose of the writ petition directing the first respondent to consider the appeal dated 12.07.2004 which is pending before him and pass appropriate orders in accordance with the rules and regulations, within a period of two months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

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(K.C. BHANU, J)

Date: 11.02.2005

Note: Issue C.C. in one week.

B.O.

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Divisional Manager, APSRTC,
   Secunderabad Division, Rathifile Bus Station,
Secunderabad.
2. The Depot Manager, APSRTC,
   Hakimpet Depot, Secunderabad.

3. 2 CD copies

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